

UNITED STATES DISTRICT COURT

for the

Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Toshiba 4 GB microSD card, et al.

Case No.

MJ18-580

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

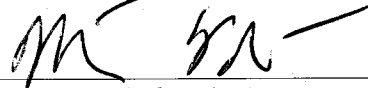
The search is related to a violation of:

| Code Section | Offense Description |
|------------------------------|--|
| 21, U.S.C. §§ 841(a)(1), 846 | Distribution of Controlled Substances, Possession of Controlled Substances with Intent to Distribute, and Conspiracy to do the same. |

The application is based on these facts:

Please see Affidavit of U.S. Postal Inspector Michael Fischlin

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

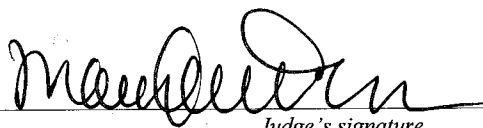
Michael Fischlin, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: Dec. 20, 2018

City and state: Seattle, Washington



Judge's signature

Mary Alice Theiler, United States Magistrate Judge

Printed name and title

AFFIDAVIT OF MICHAEL FISCHLIN

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

I, Michael Fischlin, an Inspector with United States Postal Inspection Service ("USPIS"), Seattle, Washington, having been duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Postal Inspector with the USPIS and have been so employed since June 2016. I am currently assigned to the Seattle Division, Prohibited Mail Narcotics Team, where I investigate controlled substances transported via the United States Mail. I have attended a one-week training course presented by the USPIS addressing narcotics investigations and trends in narcotics mailings. At that training, subject matter experts taught current trafficking trends and suspicious parcel recognition.

2. Prior to becoming a Postal Inspector, I was employed as a Special Agent ("SA") of the United States Secret Service ("USSS"). As part of my training, I completed the Federal Law Enforcement Training Center ("FLETC") Criminal Investigator Training Program as well as the USSS SA Training Program. While employed by the USSS, I was trained in computer forensics. Prior to joining the USSS, I served four years of active duty in the United States Marine Corps as a military policeman.

3. As a Postal Inspector, I am authorized to investigate crimes involving federal offenses relating to the United States Postal Service ("USPS"). During the course of my law enforcement career, I have conducted or participated in criminal investigations involving access device fraud, bank fraud, computer fraud, counterfeit currency and securities, identity theft, illegal narcotics, mail theft, robbery, and wire fraud. My duties have included planning the execution of search warrants; securing and searching premises; seizing documents, records and other evidence; and interviewing witnesses.

4. The facts set forth in this Affidavit are based on my personal knowledge; knowledge obtained from others during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation.

PURPOSE OF AFFIDAVIT

5. This affidavit is made in support of an application for a federal search warrant to search computer media, herein referred to as the SUBJECT DEVICES, as more fully described in Attachment A. The SUBJECT DEVICES are:

- a. Toshiba 4 GB microSD¹ card;
- b. Samsung 16 GB microSD card;
- c. Samsung 64 GB microSD card; and
- d. Sprint SIM² card with ICC ID 89011200000329986078

6. The SUBJECT DEVICES are currently located at the offices of the USPIS, located at 301 Union Street, Seattle, Washington. As discussed herein, there is probable cause to believe that the SUBJECT DEVICES contain evidence of drug trafficking, including on the dark web. The applied-for warrant would authorize the forensic examination of the SUBJECT DEVICES for the purpose of identifying electronically stored data particularly described in Attachment B.

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¹ A Secure Digital ("SD") card is a non-volatile memory card. This removable storage media can store any digital data. Many mobile phones include an SD card for storing data.

² A Subscriber Identity Module ("SIM") card is used to identify and authenticate subscribers on mobile telephony devices, such as mobile phones. It is also possible for SIM cards to store contact information and text messages.

SUMMARY OF PROBABLE CAUSE

7. Attached as Exhibit C is an affidavit that I executed, dated, December 7, 2018, which is incorporated herein by reference.³

7. On December 10, 2018, agents arrested MATTHEW WITTERS. Agents also executed a series of seizure warrants on various banks and cryptocurrency account that WITTERS maintained. The seizures totaled hundreds of thousands of dollars.

8. On December 11, 2018, agents executed a search warrant on a safe deposit box that WITTERS maintained at GBC International Bank in Shoreline, WA. Prior to the search, on or about November 7, 2017, an HSI SA interviewed employees at the bank. Several employees stated that WITTERS was observed bringing in bundles of U.S. currency to put into the safe deposit box. WITTERS told employees he made the money from bitcoin.

9. On or about November 13, 2018, an HSI SA interviewed employees at the bank again. An employee confirmed that WITTERS was still the lessee of the safe deposit box. An employee witnessed WITTERS access the safe deposit box with bundles of currency in a bag and then come out without the bag. An employee indicated WITTERS openly spoke about how much money he made with bitcoin. An employee advised that the safe deposit box was last accessed in March 2018.

10. During the search on December 11, 2018, agents located in the safe deposit box a large amount of U.S. currency, in excess of \$165,000. Agents also located a loaded firearm and substances that appear to be drugs, but have yet to be tested. In addition, agents located equipment and supplies that could be used in the distribution of controlled substances via the U.S. mail. The items included a digital scale with white residue, plastic baggies, USPS tracking labels, and stamps.

³ Upon review of the affidavit, I noticed that in paragraph 48, the reference should be to AlphaBay, not Dream Market.

1 11. Agents also located a Cocoa Butter container inside of which was a piece
2 of paper containing twenty-four words which appeared to be a seed phrase⁴. Also in the
3 container was a small black bag. The SUBJECT DEVICES were found inside of the
4 small black bag.

5 12. As discussed in my prior affidavit, a search of an email address associated
6 with WITTERS revealed an email with an attached photograph of numerous white strips
7 of tablets laid on a black surface. The photograph matched the photograph for the
8 sayNOtoCUSTOMS Alplx listings on both AlphaBay and Dream Market. Metadata
9 associated with the photograph showed that it was taken on September 2, 2016, and that
10 the device used to take the photograph was a LG LS740. A LG LS740 is a mobile phone
11 otherwise known as a LG Volt. A search of the same email address revealed an email
12 sent to a cellular telephone carrier in July 2016 in which WITTERS claimed ownership of
13 a LG Volt. Mobile phones often use removable storage mediums such as several of the
14 SUBJECT DEVICES to store data.

15 **USE OF DIGITAL DEVICES AND DARK WEB DRUG SALES**

16 13. As a result of my training and experience, I know that digital devices are
17 often utilized by individuals who engage in dark web drug sales. Suspects engaged in
18 dark web drug sales will use computers and mobile phones and transport those devices
19 while conducting illegal activity. In particular, a suspect needs digital devices to access
20 the Internet in order to navigate to dark web marketplaces. Digital devices are further
21 needed to establish a dark web persona; list contraband for sale; communicate with
22 customers and associates on a dark web marketplace, through encrypted messages and
23 other means; and to transfer digital currency from a marketplace to another wallet. As a
24 result, one form in which these items may be found is as electronic evidence stored on a
25 digital device.

26
27
28 ⁴ A seed phrase is a list of words that are necessary to recover and/or reconstitute cryptocurrency wallets.

1 14. As is the case with most digital technology, communications by way of
2 digital devices can be saved or stored on the digital device used for these purposes.
3 Storing this information can be intentional, i.e., by saving an email as a file on the digital
4 device or saving the location of one's favorite websites in, for example, "bookmark"
5 files. Digital information can also be retained unintentionally, e.g., traces of the path
6 (including, but not limited to the IP address) of an electronic communication may be
7 automatically stored in many places (e.g., temporary files or ISP client software, among
8 others).

9 15. In addition, I know based on my training and experience that those engaged
10 in dark web drug sales will use digital devices to, for example: a) store PGP keys; b) store
11 customer shipping information; c) store bitcoin wallets; and, d) store photographs of
12 narcotics. Several of the SUBJECT DEVICES are capable of storing this type of data.

13 16. Based upon my training and experience, and conversations with other
14 experienced law enforcement agents and officers who have been involved in narcotics
15 cases, I know the following:

16 17. Drug dealers regularly use cell phones and other electronic communication
17 devices to further their illegal activities. As a result, evidence of drug dealing can often
18 be found in text messages, address books, call logs, photographs, emails, text messaging
19 or picture messaging applications, videos, and other data that is stored on cell phones and
20 other electronic communication devices. Additionally, the storage capacity of such
21 devices allows them to be used for the electronic maintenance of ledgers, pay/owe logs,
22 drug weights and amounts, customers contact information, not only during the period of
23 their drug trafficking violations but also for a period of time extending beyond the time
24 during which the trafficker actually possesses/controls illegal controlled substances. The
25 records are kept in order to maintain contact with criminal associates for future
26 transactions and so that the trafficker can have records of prior transactions for which the
27 trafficker might still be owed money or might owe someone else money.
28

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

18. *Forensic evidence.* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how the SUBJECT DEVICES were used, the purpose of their use, who used them, and when. There is probable cause to believe that this forensic electronic evidence might be on the SUBJECT DEVICES because:

a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).

b. As explained herein, information stored within a computer and other electronic storage media may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, information stored within a computer or storage media (e.g., communications, images and movies, transactional information, records of session times and durations, internet history) can indicate who has used or controlled the computer or storage media. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. Additionally, some information stored within a computer or electronic storage media may provide crucial evidence relating to the physical location of other evidence and the suspect. For example, images stored on a device may both show a particular location and have geolocation information incorporated into its file data. Such file data typically also contains information indicating when the file or image was created. The existence of such image files, along with external device connection logs, may also indicate the presence of additional electronic storage media (e.g., a digital camera or cellular phone with an incorporated camera). The geographic and timeline information described herein may either inculcate or exculpate the computer user. Last, information stored within a computer may provide relevant insight into the computer user’s state of mind as it relates to the offense under investigation.

c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.

d. The process of identifying the exact electronically stored information on a storage medium that are necessary to draw an accurate conclusion is a

1 dynamic process. Electronic evidence is not always data that can be merely reviewed by
2 a review team and passed along to investigators. Whether data stored on a computer is
3 evidence may depend on other information stored on the computer and the application of
4 knowledge about how a computer behaves. Therefore, contextual information necessary
to understand other evidence also falls within the scope of the warrant.

5 e. Further, in finding evidence of how a device was used, the purpose
6 of its use, who used it, and when, sometimes it is necessary to establish that a particular
thing is not present on a storage medium.

7
8 19. *Manner of execution.* Because this warrant seeks only permission to
9 examine devices already in law enforcement's possession, the execution of this warrant
10 does not involve the physical intrusion onto a premises. Consequently, I submit there is
11 reasonable cause for the Court to authorize execution of the warrant at any time in the
day or night.

12
13 20. Based on the foregoing, and consistent with Rule 41(e)(2)(B) of the Federal
14 Rules of Criminal Procedure, the warrant I am applying for will permit imaging or
15 otherwise copying all data contained on the SUBJECT DEVICES, and will specifically
16 authorize a review of the media or information consistent with the warrant.

17 21. In accordance with the information in this affidavit, law enforcement
18 personnel will execute the search of the SUBJECT DEVICES pursuant to this warrant as
19 follows:

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1 **a. Securing the Data**

2 i. In order to examine the ESI in a forensically sound manner,
3 law enforcement personnel with appropriate expertise will attempt to produce a complete
4 forensic image, if possible and appropriate, of the SUBJECT DEVICES.⁵

5 ii. Law enforcement will only create an image of data physically
6 present on or within the SUBJECT DEVICES. Creating an image of the SUBJECT
7 DEVICES will not result in access to any data physically located elsewhere. However,
8 SUBJECT DEVICES that have previously connected to devices at other locations may
9 contain data from those other locations.

10 **b. Searching the Forensic Images**

11 i. Searching the forensic images for the items described in
12 Attachment B may require a range of data analysis techniques. In some cases, it is
13 possible for agents and analysts to conduct carefully targeted searches that can locate
14 evidence without requiring a time-consuming manual search through unrelated materials
15 that may be commingled with criminal evidence. In other cases, however, such
16 techniques may not yield the evidence described in the warrant, and law enforcement
17 may need to conduct more extensive searches to locate evidence that falls within the
18 scope of the warrant. The search techniques that will be used will be only those
19 methodologies, techniques and protocols as may reasonably be expected to find, identify,
20 segregate and/or duplicate the items authorized to be seized pursuant to Attachment B to
21 this affidavit.

22 //

23 //

24 ⁵ The purpose of using specially trained computer forensic examiners to conduct the imaging of digital devices or
25 other electronic storage media is to ensure the integrity of the evidence and to follow proper, forensically sound,
26 scientific procedures. When the investigative agent is a trained computer forensic examiner, it is not always
27 necessary to separate these duties. Computer forensic examiners often work closely with investigative personnel to
28 assist investigators in their search for digital evidence. Computer forensic examiners are needed because they
generally have technological expertise that investigative agents do not possess. Computer forensic examiners,
however, often lack the factual and investigative expertise that an investigative agent may possess on any given
case. Therefore, it is often important that computer forensic examiners and investigative personnel work closely
together.

ATTACHMENT A
PROPERTY TO BE SEARCHED

The property to be searched consists of the following devices seized during a search of safe deposit box 610207 located at GBC International Bank, 16001 Aurora Ave N, Shoreline, WA 98133, hereinafter, the "SUBJECT DEVICES"), specifically:

- a. Toshiba 4 GB microSD card;
- b. Samsung 16 GB microSD card:
- c. Samsung 64 GB microSD card; and
- d. Sprint SIM card with ICC ID 89011200000329986078.

The SUBJECT DEVICES are currently at United States Postal Inspection Service Seattle Division Headquarters, located at 301 Union Street, Seattle, Washington 98101. This warrant authorizes the forensic examination of the SUBJECT DEVICES for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B
ITEMS TO BE SEIZED

All records on the SUBJECT DEVICES described in Attachment A that relate to violations of possession of controlled substances with intent to distribute and/or distribution of controlled substances:

- a. Lists of customers and related identifying information;
- b. Types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
- c. Any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
- d. All bank records, checks, credit card bills, account information, and other financial records;
- e. All records or information related to the email addresses
anon432112344321@gmail.com, anon43211234@safe-mail.net,
cssrules@gmail.com; matthewwitters@gmail.com;
shikashikacho@gmail.com;
- e. Any records or information pertaining to the dark web and dark web marketplaces, including but not limited to AlphaBay and Dream Market;
- f. All records or information relating to controlled substances, including fentanyl and Xanax;
- h. Any records or information pertaining to "sayNOtoCUSTOMS" (or spelling variants thereof) or "kakashisan" (or spelling variants thereof);
- i. Digital currency applications and wallets, to include seed phrases and information regarding current balance and transaction history, i.e, date, time, amount, and address of sender/recipient of a digital currency transaction maintained in such wallets;
- j. Any records or information pertaining to PGP applications, to include private and/or public keys;
- k. Any records reflecting identifying telephone serial numbers belonging to Matthew Witters (ESN, MIN, ISMI, or IMEI);

- l. Any stored list of recent received, sent, and missed calls;
- m. Any stored photographs of narcotics, currency, firearms or other weapons, evidence of suspected criminal activity, including any embedded GPS data associated with those photographs;
- n. Evidence of user attribution showing who used or owned the SUBJECT DEVICES at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, and documents.

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

ATTACHMENT C

AFFIDAVIT OF MICHAEL FISCHLIN

STATE OF WASHINGTON)
)
COUNTY OF KING) SS

I, Michael Fischlin, an Inspector with United States Postal Inspection Service ("USPIS"), Seattle, Washington, having been duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Postal Inspector with the USPS and have been so employed since June 2016. I am currently assigned to the Seattle Division, Prohibited Mail Narcotics Team, where I investigate controlled substances transported via the United States Mail. I have attended a one-week training course presented by the USPS addressing narcotics investigations and trends in narcotics mailings. At that training, subject matter experts taught current trafficking trends and suspicious parcel recognition.

2. Prior to becoming a Postal Inspector, I was employed as a Special Agent ("SA") of the United States Secret Service ("USSS"). As part of my training, I completed the Federal Law Enforcement Training Center ("FLETC") Criminal Investigator Training Program as well as the USSS SA Training Program. While employed by the USSS, I was trained in computer forensics. Prior to joining the USSS, I served four years of active duty in the United States Marine Corps as a military policeman.

3. As a Postal Inspector, I am authorized to investigate crimes involving federal offenses relating to the United States Postal Service ("USPS"). During the course of my law enforcement career, I have conducted or participated in criminal investigations involving access device fraud, bank fraud, computer fraud, counterfeit currency and securities, identity theft, illegal narcotics, mail theft, robbery, and wire fraud. My duties have included planning the execution of search warrants; securing and searching premises; seizing documents, records and other evidence; and interviewing witnesses.

1 4. As discussed below, MATTHEW WITTERS sold drugs on dark web
 2 marketplaces under the handles "kakashisan" and "sayNOtoCUSTOMS," which were
 3 shipped via the USPS. WITTERS completed approximately 2,938 orders on the dark
 4 web under the listed monikers for approximately 1,271 bitcoins, valued at approximately
 5 \$764,588 at the time of sales.

6 **PURPOSE OF AFFIDAVIT**

7 5. This affidavit is submitted in support of an application for a search and
 8 seizure warrant for the following property:

9 a. A safe deposit box held at GBC International Bank located at 16001 Aurora
 10 Ave N, Shoreline, WA 98133 (hereinafter described as "SAFE DEPOSIT
 11 BOX") linked to checking account number XXXXX1014, as further
 12 described in Attachment A, which is incorporated herein by reference.

13 6. As set forth below, there is evidence that the SAFE DEPOSIT BOX
 14 contains evidence of drug trafficking, in violation of Title 21, United States Code,
 15 Section 841(a)(1), including conspiracy to distribute controlled substances, in violation of
 16 Title 21, United States Code, Section 846. I seek authority to seize the items described in
 17 Attachment B, which is incorporated herein by reference.

18 7. I also submit this affidavit in support of an application for combined
 19 criminal and civil forfeiture seizure warrants for the following assets (collectively, the
 20 "SUBJECT ASSETS"), as more fully set forth in Attachment C, which is incorporated
 21 herein by reference:

- 22 a. Up to \$86,666.82 in U.S. funds contained in U.S. Bank account number X-
 23 XXX-XXXX-1982 held in the name of MATTHEW M. WITTERS
 24 ("WITTERS's Checking Account");
 25 b. Up to \$329,250.15 in U.S. funds contained in U.S. Bank account number
 26 X-XXX-XXXX-7643 held in the name of MATTHEW M. WITTERS
 27 ("WITTERS's Savings Account");
 28

- c. Up to \$3,180 in U.S. funds contained in GBC International Bank account number XXXXX1014 held in the name of MATTHEW M. WITTERS (“WITTERS’s GBC Savings Account”);
- d. All funds, including cryptocurrencies, contained in any Gemini Trust Company accounts held in the name of MATTHEW WITTERS with Social Security Number XXX-XX-8436 (“WITTERS’s Gemini Account”);
- e. All funds, including cryptocurrencies, contained in any Bittrex accounts held in the name of MATTHEW WITTERS with date of birth XX/XX/1979 (“WITTERS’s Bittrex Account”); and
- f. All U.S. dollar funds contained in Robinhood Markets, Inc. account number XXXX8546 held in the name of MATTHEW WITTERS (“WITTERS’s Robinhood Account”).

8. As set forth below, I submit that there is probable cause to believe that the SUBJECT ASSETS are property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846 (conspiracy to distribute controlled substances), and/or are property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations. The SUBJECT ASSETS are therefore subject to forfeiture to the United States under 21 U.S.C. § 853(a).

9. I further submit that there is probable cause to believe that the SUBJECT ASSETS constitute (1) moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance, in violation of the Controlled Substances Act (“CSA”); (2) proceeds traceable to such an exchange; or (3) moneys, negotiable instruments, or securities used or intended to be used to facilitate a violation of the CSA. The SUBJECT ASSETS are therefore subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6).

10. Because this affidavit is submitted for the limited purpose of obtaining search and seizure warrants, I am not including every fact known to me about WITTERS or the larger investigation.

FORFEITURE AND SEIZURE AUTHORITY

11. As to civil forfeiture, under 21 U.S.C. § 881(a)(6), "[t]he following shall be subject to forfeiture to the United States and no property right shall exist in them: . . . All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter; all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter."

12. Property subject to civil forfeiture under 21 U.S.C. § 881(a) may be seized pursuant to 18 U.S.C. § 981(b) (by 21 U.S.C. § 881(b)).

13. As to criminal forfeiture, under 21 U.S.C. § 853(a), "[a]ny person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law [*inter alia*](1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; [and] (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation."

14. Property subject to criminal forfeiture under 21 U.S.C. § 853 may be seized pursuant to 21 U.S.C. § 853(f). With respect to seizure, 21 U.S.C. § 853(f) specifically provides that a court may issue a criminal seizure warrant when it "determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that a[] [protective] order under [21 U.S.C. § 853(e)] may not be sufficient to assure the availability of the property for forfeiture."

15. Here, because the SUBJECT ASSETS may be easily withdrawn, transferred, dissipated, or otherwise made unavailable for forfeiture, a protective order

Affidavit of Inspector Fischlin - 4
USAO#2017RO1197

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 may not be sufficient to ensure that the SUBJECT ASSETS remain available for
 2 forfeiture. For that reason, the United States seeks combined criminal and civil seizure
 3 warrants, authorizing law enforcement to seize the SUBJECT ASSETS and preserve
 4 them pending further forfeiture proceedings.

5 **BACKGROUND ON THE DARK WEB AND CRYPTOCURRENCY**

6 16. Based on my training, research, education, and experience, I am familiar
 7 with the following relevant terms and definitions:

8 a. The "dark web" is a portion of the "Deep Web"¹ of the Internet,
 9 where individuals must use anonymizing software or applications to access content and
 10 websites. Within the dark web, criminal marketplaces operate, allowing individuals to
 11 buy and sell illegal items, such as drugs, firearms, and other hazardous materials, with
 12 greater anonymity than is possible on the traditional Internet (sometimes called the "clear
 13 web" or simply the "web"). These online market websites use a variety of technologies,
 14 including the Tor network (defined below) and other encryption technologies, to ensure
 15 that communications and transactions are shielded from interception and monitoring.
 16 Famous dark web marketplaces, also called Hidden Services, such as Silk Road,
 17 AlphaBay,² and Dream Market,³ operate(d) similarly to clear web commercial websites
 18 such as Amazon and eBay, but offered illicit goods and services.

19 b. "Vendors" are the dark web's sellers of goods and services, often of
 20 an illicit nature, and they do so through the creation and operation of "vendor accounts"
 21 on dark web marketplaces. Customers, meanwhile, operate "customer accounts." Vendor
 22 and customer accounts are not identified by numbers, but rather monikers or "handles,"
 23
 24

25 ¹ The Deep Web is the portion of the Internet not indexed by search engines. Examples are databases and
 26 internal networks belonging to private industry, government agencies, or academic institutions.

27 ² Based upon my training and experience, I know that AlphaBay was a website on the dark web that
 28 offered drugs and other contraband for sale. Furthermore, I know that AlphaBay was seized by U.S. law
 enforcement in July 2017.

³ Based upon my training and experience, I know that Dream Market is a website on the dark web that
 offers drugs and other contraband for sale.

1 much like the username one would use on a clear web site. If a moniker on a particular
2 marketplace has not already been registered by another user, vendors and customers can
3 use the same moniker across multiple marketplaces, and based on seller and customer
4 reviews, can become well known as "trusted" vendors or customers. It is also possible
5 for the same person to operate multiple customer accounts and multiple vendor accounts
6 at the same time. For example, based on my training and experience, I know that one
7 person could have a vendor account that he or she uses to sell illegal goods on a dark web
8 marketplace in exchange for cryptocurrency; that same vendor could also have a different
9 customer account that he or she uses to exchange cryptocurrency earned from vendor
10 sales for fiat currency.⁴ Because they are separate accounts, a person could use different
11 accounts to send and receive the same cryptocurrency on the dark web. I know from
12 training and experience that one of the reasons dark web vendors have multiple monikers
13 for different vendor and customer accounts is to prevent law enforcement from
14 identifying which accounts belong to the same person and who the actual person is that
15 owns or uses the accounts.

16 c. Pretty Good Privacy ("PGP") is used on dark web markets to encrypt
17 communications between vendors and customers. When a customer orders from a
18 vendor or sends a vendor a message on a dark web market, that information may be
19 stored in the marketplace's database. Given concerns that the marketplace server may be
20 hacked or seized by law enforcement, vendors and customers often communicate via
21 PGP-encrypted means to address this security problem.

22 d. The "Tor network," or simply "Tor," (an abbreviation for "The
23 Onion Router") is a special network of computers on the Internet, distributed around the
24 world, designed to conceal the true Internet Protocol ("IP") addresses of the computers
25 accessing the network, and, thereby, the locations and identities of the network's users.

26
27 ⁴ Fiat currency is currency created and regulated by a government such as the U.S. Dollar, Euro, or
28 Japanese Yen.

1 Tor also enables websites to operate on the network in a way that conceals the true IP
2 addresses of the computer servers hosting the websites, which are referred to as "hidden
3 services" on the Tor network. Such hidden services operating on Tor have complex web
4 addresses, generated by a computer algorithm, ending in ".onion" and can only be
5 accessed through specific web browser software, including a browser known as "Tor
6 Browser," designed to access the Tor network. An example of a hidden services website
7 is the aforementioned AlphaBay.

8 e. Cryptocurrency, a type of virtual currency, is a decentralized, peer-to
9 peer, network-based medium of value or exchange that may be used as a substitute for
10 fiat currency to buy goods or services or exchanged for fiat currency or other
11 cryptocurrencies. Examples of cryptocurrency are Bitcoin⁵ ("BTC"), Ethereum ("ETH"
12 or "ether"), and Tether ("USDT"). Cryptocurrency can exist digitally on the Internet, in
13 an electronic storage device, or in cloud-based servers. Although not usually stored in
14 any physical form, public and private keys (described below) used to transfer
15 cryptocurrency from one person or place to another can be printed or written on a piece
16 of paper or other tangible object. Cryptocurrency can be exchanged directly person to
17 person, through a cryptocurrency exchange, or through other intermediaries. Generally,
18 cryptocurrency is not issued by any government, bank, or company; it is instead
19 generated and controlled through computer software operating on a decentralized peer-to-
20 peer network. Most cryptocurrencies have a "blockchain," which is a distributed public
21 ledger, run by the decentralized network, containing an immutable and historical record
22 of every transaction.⁶ Cryptocurrency is not illegal in the United States.

23
24
25 ⁵ Since Bitcoin is both a cryptocurrency and a protocol, capitalization differs. Accepted practice is to use
26 "Bitcoin" (singular with an uppercase letter B) to label the protocol, software, and community, and
27 "bitcoin" (with a lowercase letter b) or "BTC" to label units of the cryptocurrency. That practice is
28 adopted here.

⁶ Some cryptocurrencies operate on blockchains that are not public and operate in such a way to obfuscate
transactions, making it difficult to trace or attribute transactions.

1 f. Bitcoin is a type of cryptocurrency. Payments or transfers of value
2 made with bitcoin are recorded in the Bitcoin blockchain and thus are not maintained by
3 any single administrator or entity. As mentioned above, individuals can acquire bitcoin
4 through exchanges (i.e., online companies which allow individuals to purchase or sell
5 cryptocurrencies in exchange for fiat currencies or other cryptocurrencies), bitcoin
6 ATMs, or directly from other people. Individuals can also acquire cryptocurrencies by
7 "mining." An individual can "mine" bitcoins by using his/her computing power to solve
8 a complicated algorithm and verify and record payments on the blockchain. Individuals
9 are rewarded for this task by receiving newly created units of a cryptocurrency.
10 Individuals can send and receive cryptocurrencies online using many types of electronic
11 devices, including laptop computers and smart phones. Even though the public addresses
12 of those engaging in cryptocurrency transactions are recorded on a blockchain, the
13 identities of the individuals or entities behind the public addresses are not recorded on
14 these public ledgers. If, however, an individual or entity is linked to a public address, it
15 may be possible to determine what transactions were conducted by that individual or
16 entity. Bitcoin transactions are therefore sometimes described as "pseudonymous,"
17 meaning that they are partially anonymous. And while it is not completely anonymous,
18 Bitcoin allows users to transfer funds more anonymously than would be possible through
19 traditional banking and credit systems.

20 g. Cryptocurrency is stored in a virtual account called a wallet. Wallets
21 are software programs that interface with blockchains and generate and/or store public
22 and private keys used to send and receive cryptocurrency. A public key (or public
23 address) is akin to a bank account number, and a private key (or private address) is akin
24 to a Personal Identification Number ("PIN") number or password that allows a user the
25 ability to access and transfer value associated with the public address or key. To conduct
26 transactions on a blockchain, an individual must use the public key and the private key.
27 A public address is represented as a case-sensitive string of letters and numbers. Each
28 public address is controlled and/or accessed through the use of a unique corresponding

1 private key—the cryptographic equivalent of a password or PIN—needed to access the
2 address. Only the holder of an address’s private key can authorize any transfers of
3 cryptocurrency from that address to another cryptocurrency address.

4 h. Although cryptocurrencies such as Bitcoin have legitimate uses,
5 cryptocurrency is also used by individuals and organizations for criminal purposes such
6 as money laundering, and is an oft-used means of payment for illegal goods and services
7 on hidden services websites operating on the Tor network. By maintaining multiple
8 wallets, those who use cryptocurrency for illicit purposes can attempt to thwart law
9 enforcement’s efforts to track purchases within the dark web marketplaces. As of
10 December 3, 2018, one bitcoin is worth approximately \$3,818.15, though the value of
11 bitcoin is generally much more volatile than that of fiat currencies.

12 i. Exchangers and users of cryptocurrencies store and transact their
13 cryptocurrency in a number of ways, as wallet software can be housed in a variety of
14 forms, including: on a tangible, external device (“hardware wallet”); downloaded on a
15 Personal Computer (“PC”) or laptop (“desktop wallet”); with an Internet-based cloud
16 storage provider (“online wallet”); as a mobile application on a smartphone or tablet
17 (“mobile wallet”); as printed public and private keys (“paper wallet”); and as an online
18 account associated with a cryptocurrency exchange. Because these desktop, mobile, and
19 online wallets are electronic in nature, they are located on mobile devices (e.g., smart
20 phones or tablets) or at websites that users can access via a computer, smart phone, or any
21 device that can search the Internet. Moreover, hardware wallets are located on some type
22 of external or removable media device, such as a Universal Serial Bus (“USB”) thumb
23 drive or other commercially available device designed to store cryptocurrency (e.g.
24 Trezor, Keepkey, or Nano Ledger). In addition, paper wallets may contain an address
25 and a QR code⁷ with the public and private key embedded in the code. Paper wallet keys
26 are not stored digitally. Wallets can also be backed up into, for example, paper printouts,
27

28 ⁷ A QR code is a matrix barcode that is a machine-readable optical label.
Affidavit of Inspector Fischlin - 9
USAO#2017RO1197

1 USB drives, or CDs, and accessed through a "recovery seed" (random words strung
2 together in a phrase) or a complex password. Additional security safeguards for
3 cryptocurrency wallets can include two-factor authorization (such as a password and a
4 phrase). I also know that individuals possessing cryptocurrencies often have safeguards
5 in place to ensure that their cryptocurrencies become further secured in the event that
6 their assets become potentially vulnerable to seizure and/or unauthorized transfer.

7 j. Cryptocurrency mixing services exist which allow for a user to make
8 their transactions and digital assets anonymous on the blockchain. Cryptocurrency
9 mixing services work by sending a user's coins to a pool where they are then mixed with
10 coins belonging to others. A user then receives coins from wallets that are unrelated to
11 their own, thereby obfuscating the link between a user's old and new wallets. These
12 services are often referred to as a "mixers" or "tumblers."⁸

13 k. Bittrex, Coinbase, and Gemini Trust Company ("Gemini") are
14 companies that each offer a cryptocurrency wallet service. Users of Bittrex, Coinbase,
15 and Gemini can create online accounts with the respective companies where they can
16 purchase, sell, exchange, store, receive, and/or transfer cryptocurrencies.

17 l. According to its website, Gemini is a digital asset exchange that
18 allows users to buy, sell, and store digital assets such as bitcoins. According to its
19 website, Bittrex is a blockchain platform that provides users with digital wallets and the
20 ability to execute trades.

21 m. In light of the above information regarding Bittrex and Gemini, I
22 anticipate that both companies, if served with a seizure warrant, would be capable of
23 assisting with the seizure of cryptocurrencies that are stored in, or accessible via, Bittrex
24 and Gemini-provided wallets.

25
26
27
28 ⁸ Based upon my training and experience, I know that dark web vendors often utilize mixers allowing
them to transact anonymously on the blockchain.

SUMMARY OF PROBABLE CAUSE

A. The Seized Packages

17. During the investigation, law enforcement seized multiple packages of drugs that were destined for WITTERS.

18: Specifically, on or about November 20, 2017, I intercepted an international parcel at the Shoreline Post office. The parcel was from China and addressed to WITTERS at 16738 2nd Ave NE, Shoreline, WA. A Homeland Security Investigations ("HSI") SA conducted an extended border search of the parcel. The parcel contained small plastic baggies with a white powder and a rock-like substance. The substances found within the parcel were sent to the Washington State Patrol ("WSP") Crime Laboratory for analysis. On November 27, 2018, the WSP Crime Laboratory provided results. Based upon gas chromatography/mass spectrometry and infrared spectroscopy, a WSP Crime Laboratory forensic scientist concluded that one of the baggies containing five grams of white powder contained fentanyl. USPS business records showed that a phone number associated with WITTERS had tracked the parcel.

19. On or about November 20, 2017, U.S. Customs and Border Protection ("CBP") in San Francisco, California, had seized an international parcel from China addressed to WITTERS at the same Shoreline address. The package contained a variety of substances, including approximately five grams of a substance that was presumptively identified as fentanyl hydrochloride. Fentanyl hydrochloride is the hydrochloride salt form of fentanyl.

20. Previously, on or about September 9, 2017, CBP in Torrance, California, had seized an international parcel from Tonga addressed to WITTERS at the same Shoreline address. The package contained a variety of substances, including approximately six grams of a substance that was presumptively identified as benzylfentanyl. Benzylfentanyl is a fentanyl analog.

1 **B. WITTERS's Orders on the Dark Web**

2 21. In April 2017, federal agents executed a search warrant for a residence in
3 Oklahoma. The residence was associated with a dark web vendor who operated on
4 AlphaBay who shipped controlled substances, including fentanyl, via the USPS. Agents
5 seized drugs from the residence, including fentanyl. In addition, a spiral notebook was
6 found inside of a backpack within the residence. One of the pages within the notebook
7 contained a label bearing the name "Matt Witters" and the address "2104 SW 110th St,
8 Seattle, WA 98146." On the same page, the word "saynotocustoms" was handwritten.
9 Using a law enforcement database, I found that WITTERS was associated with this street
10 address:

11 22. In December 2017, I learned of a USPIIS case in California that involved a
12 suspect in Seattle. Specifically, in August 2017, S.G. was charged in the Southern
13 District of California with Conspiracy to Distribute Fentanyl, Possession with Intent to
14 Distribute Carfentanil, and Possession with Intent to Distribute Ketamine. Pursuant to a
15 search warrant served on S.G.'s computers and investigation into S.G.'s dark web
16 identities, it was determined that S.G. had operated on numerous dark web marketplaces,
17 including AlphaBay. The investigation revealed that S.G. had completed thousands of
18 transactions on the dark web where S.G. had bought and sold controlled substances
19 throughout the United States. The investigation also revealed that S.G. imported
20 narcotics into the United States.

21 23. A sales ledger was found on S.G.'s computer with entries listing the type
22 and amount of drug sold, the buyer's dark web marketplace moniker, and the name and
23 address of where the package was sent. Two of the entries included WITTERS's name:

24 DEC 21
25 Matt Witters - 1 K - sayNotoCustoms - Ab
26 7905 Detroit Ave. SW
27 Seattle, WA 98106-1906
28

1 JUN 17

2 Matt Witters – 2 K – sayNotoCustoms

3 2104 SW 110th St.

4 Seattle, WA 98146

5 24. Using a law enforcement database, I found that WITTERS was associated
6 with both of these street addresses. S.G. told law enforcement agents that “K” on the
7 ledger referred to Ketamine. Ketamine is a Schedule III controlled substance.

8 **C. sayNotoCUSTOMS’s Dream Market Profile**

9 25. As discussed above, the phrase “saynotocustoms” was found on the spiral
10 notebook in S.G.’s residence. On or about August 22, 2017, USPIS Inspector Brett
11 Willyerd and I located the vendor profile for “sayNotoCUSTOMS” on Dream Market, a
12 dark web marketplace.⁹ The profile picture for sayNotoCUSTOMS was of Homer
13 Simpson wearing a reggae hat and glasses. At that time, sayNotoCUSTOMS was in
14 “vacation mode,” meaning that sayNotoCUSTOMS was not actively taking new orders
15 for narcotics via Dream Market. However, Dream Market showed that
16 sayNotoCUSTOMS’s last active date was on or about August 22, 2017, meaning that
17 someone had logged into the account on that day.

18 26. On or about October 6, 2017, I viewed sayNotoCUSTOMS’s profile on
19 Dream Market. sayNotoCUSTOMS was no longer in vacation mode. The following
20 comment was under the terms and conditions of sayNotoCUSTOMS’s profile:

21 BACK from vacation. If my listings are up I am working and
22 you will get it in timely manner, you never have to ask. I
23 ALWAYS take my listings down when I’m not gonna be
24 working. If you’ve ordered and haven’t received it and I take
25 my listings down and put my status on vacation rest assured
26 your stuff is coming.

27 ⁹ The moniker “sayNotoCUSTOMS” appeared on multiple dark web sites and in various other places,
28 often with different letters capitalized. For ease of reference, this Affidavit uses a single form of
capitalization of the moniker.

27. I observed that sayNOtoCUSTOMS had three separate listings for fentanyl, varying from 500 milligrams to 3 grams. sayNOtoCUSTOMS indicated that orders of 500 milligrams and under would be shipped via first-class mail. I reviewed a listing for 1 gram of fentanyl and observed that the only shipping option was priority mail. I also observed a comment under the terms and conditions of sayNOtoCUSTOMS's profile regarding the need for customers to use Kleopatra. Kleopatra is an application used to store PGP certificates and keys.

28. On or about November 8, 2017, I viewed sayNOtoCUSTOMS's profile on Dream Market. I observed four separate listings for fentanyl, varying from 250 milligrams to 3 grams. Under the terms and conditions section of the profile, I observed the following: "UPDATE 11/2: I'm not retiring afterall... I had a massive loss of money so I need to work still... despite the major risks. I'm trying to find a partner to ship for me but rn im doing it." I also noticed another update: "UPDATE 10/27: I had some life situation pop up this week that required my full attention ad a few packs went out late. You guys know for 3 yrs I've been the fastest guy anywhere, but life happens, There might be a 3-4 day delay for a few of your orders this week. sorry guys, remember I'm not amazon."

29. On or about November 15, 2017, I viewed sayNOtoCUSTOMS's profile on Dream Market. I observed nine separate listings for fentanyl, six of which were for nasal sprays. A 500 milligram fentanyl listing by sayNOtoCUSTOMS contained the following under the shipping and refunds section of the product description:

So due to security and shipping concerns (the bulk of orders are under 500mg, and having giant bags of parcels is a red flag), everything up to 500mg will be shipping using first class mail now, 1g and up will go priority with tracking, first class mail letters will be UNTRACKED and you agree that if your order is lost there will be NO RESHIPS on any orders up to 500mg, this is just the chance you gotta take if you wanna order from me. I haven't had a parcel be lost in a long time, as long as the address you give me is correct and valid.

1 If your order is 500mg and below make sure you are able to
2 get your mail daily and check for your letter.

3 30. In addition, under sayNOtoCUSTOMS's listings for fentanyl spray there
4 was a product description, which included: "I sold thousands of these on Alpahbay. You
5 can carry them around anywhere you go and take your meds when and where you need
6 them, anyone looking thinks you just have allergies! I've literally done sprays RIGHT
7 next to a cop in line at the grocery store. Who would know? no one."

8 31. In addition to the fentanyl listings, there was a listing titled "REAL
9 ALPLAX 2MG BARS BY GADOR PHARMA!" The listing included a photograph of
10 numerous white strips of tablets laid on a black surface. Alplax is also know by the brand
11 name Xanax, and contains the drug alprazolam, which is a Schedule IV controlled
12 substance.

13 32. On or about November 17, 2017, I accessed Dream Market. I was unable
14 to find any listings by sayNOtoCUSTOMS.

15 33. On or about February 2, 2018, I logged into Dream Market and viewed
16 sayNOtoCUSTOMS's profile. Dream Market showed that sayNOtoCUSTOMS had
17 retired on November 26, 2017. Under the terms and conditions section of the profile, I
18 observed the following: "11/17; On vacation sorry guys don't know for how long, could
19 be a long time. all orders went out that were accepted, one i accepted and then rejected.
20 Sorry guys, it is what it is."

21 34. Dream Market showed that sayNOtoCUSTOMS joined on November 13,
22 2015. sayNOtoCUSTOMS had 340 reviews with an overall rating of 4.92 out of 5. Due
23 to my experience, I know that a review is generally associated with an order, meaning
24 that sayNOtoCUSTOMS had conducted at least 340 orders on Dream Market. During
25 my reviews of the account, I observed that sayNOtoCUSTOMS had sold both fentanyl
26 and Xanax. Fentanyl was sold in the form of both a powder and a nasal spray.

1 **D. sayNOtoCUSTOMS's Profile on AlphaBay**

2 35. sayNOtoCUSTOMS also operated on AlphaBay, which, as described
3 above, was a dark web marketplace that was seized by law enforcement in July 2017. I
4 reviewed records from the seized AlphaBay server, which contained information about
5 the vendor account for sayNOtoCUSTOMS. The profile picture for the account was of
6 Homer Simpson wearing a reggae hat and glasses, which matched the profile picture for
7 sayNOtoCUSTOMS on Dream Market.

8 36. The sayNOtoCUSTOMS profile included an "about" section which began:
9 "I'm a real fentanyl HCL vendor (pure 98% fully water soluble salts), not the bullshit
10 analogs." Records showed that sayNOtoCUSTOMS sold fentanyl and Xanax on the
11 marketplace. Fentanyl was sold in the form of both a powder and a nasal spray.

12 37. A review of the AlphaBay records revealed a listing by
13 sayNOtoCUSTOMS titled "800 REAL ALPLAX BRAND BARS BY GADOR
14 PHARMACEUTICAL - USA." The listing included a photograph of numerous white
15 strips of tablets laid on a black surface. The photograph matched the photograph for a
16 similar listing by sayNOtoCUSTOMS on Dream Market, providing further evidence that
17 sayNOtoCUSTOMS was controlled by the same user on both Dream Market and
18 AlphaBay.

19 38. Records showed that sayNOtoCUSTOMS registered on AlphaBay on or
20 about November 8, 2015. sayNOtoCUSTOMS was last active on the site on or about
21 July 5, 2017. sayNOtoCUSTOMS completed approximately 2,383 orders. Records
22 indicated that, from around November 2015 to July 2017, sayNOtoCUSTOMS received
23 approximately 1,165 bitcoins as payment for the orders.

24 39. Records further showed that sayNOtoCUSTOMS posted a message on
25 AlphaBay Market Forum regarding the use of a mixer to anonymize coins withdrawn
26 from AlphaBay. The message included the following:

1 Thats great, so I have been using bitblender¹⁰ for my
 2 blending. has anyone checked how effective AB's tumbling
 3 is? I'm not hip enough to figure out if w/d's strait from AB
 4 are fully untraceable or is it possible to see the coins came
 5 from AB unless you tumble them a second time? i think .5%
 6 is more than fair for simple computer operation. So I'm a
 7 level 6 vendor with 3k a day in sales. should I tumble them
 8 still or should I be safe with AB's new tech?

7 **E. Related Vendor Account on AlphaBay**

8 40. As discussed below, the vendor account "kakashisan" on AlphaBay
 9 appeared to be controlled by the same user as sayNOtoCUSTOMS.

10 41. I reviewed the seized AlphaBay server for records pertaining to kakashisan.
 11 The records showed that kakashisan registered on AlphaBay on or about September 20,
 12 2015. kakashisan was last active on the site on or about July 1, 2017. kakashisan
 13 completed approximately 215 orders for approximately 106 bitcoins. kakashisan sold
 14 fentanyl and Xanax on the marketplace. Fentanyl was sold in the form of both a powder
 15 and a nasal spray.

16 42. Records showed kakashisan posted a message on the AlphaBay Market
 17 Forum claiming to reside in Seattle. On November 1, 2015, kakashisan also posted a
 18 message advising that he had created a new account under the name sayNOtoCUSTOMS
 19 which read:

20 I finally got my hands on a few hundred real Alplax bbrand
 21 bars by Gador pharmaceuticals (I always put alprax cause i
 22 buy those too sometimes from an indian seller and i get the
 23 names mixed up lol, these are alplax bars by gador), they are
 24 hands down the best quality xanax bar on the planet. Don't
 25 believe me? google it. I'm 100% sure I'm the only human on
 26 early selling these us to us on any market.
 27 enjoy :) i only got 400 of them but they are worth every
 28 penny, the champagne of bars lol.

¹⁰ Based upon my training and experience, I know that Bitcoin Blender is a Tor hidden service that allows users to obfuscate their Bitcoin transactions.

I've made a new account and will be listing them on Sunday
11/7 under the account sayNOtoCUSTOMS

43. A message from the AlphaBay server that was sent by sayNOtoCUSTOMS on November 18, 2015, further indicated that sayNOtoCUSTOMS and kakashisan were controlled by the same person. The message was titled, "Whoops! This is kakashisan!" and included the following: "I forgot to tell you that I made this account for my vending now I started vending on kakashisan and decided it was smarter to have a separate vend account."

44. In another message that was part of the same exchange, sayNOtoCUSTOMS wrote:

please I've given plenty of proof this is my account, look at my post in november that says "This is kakashisan!" cause people were getting confused, please guys i've been of or your top vendors for a long time almost 600k in sales please you KNOW it's me. Its my commission account. I'm a good vendor people really like me can you please just do this one favor for me?

F. WITTERS's Ties to sayNOtoCUSTOMS and kakashisan

45. During my investigation, I uncovered numerous pieces of evidence tying WITTERS to the sayNOtoCUSTOMS and kakashisan accounts. First, according to the seized AlphaBay records, the date of birth associated with the sayNOtoCUSTOMS and kakashisan profiles matched WITTERS's date of birth.

46. Second, as detailed above, S.G.'s drug ledger indicated that sayNOtoCUSTOMS was WITTERS.

47. Third, USPS business records showed several USPS accounts in WITTERS's name. One of the accounts listed an address of 7905 Detroit Ave SW, Seattle, WA. The account had a user name of "kakashisan." It should be noted the address for this account matched one of the addresses for WITTERS listed on S.G.'s drug ledger.

1 48. Fourth, the email address associated with sayNOtoCUSTOMS on Dream
 2 Market was anon432112344321@gmail.com. I obtained a search warrant for this
 3 account and it contained several emails indicating that WITTERS had control over the
 4 email account. For example, I located an email sent on February 18, 2016, regarding an
 5 order for Alprax in which MoneyGram was used for payment that included the following
 6 message:

7 Hey bud I just sent moneygram for \$660 for 100 viagra and
 8 1000 alprax. \$150 for the viagra and \$500 for the alprax and
 9 \$10 shipping.

10 Sent to: USARAK PUTTAWONG

11 Senders name: MATTHEW WITTERS

12 Senders City: Seattle, WASHINGTON, USA

13 49. I located another email sent by anon432112344321@gmail.com on April
 14 15, 2016, in which the user provided a name and address for shipment. The name and
 15 address provided was Matt WITTERS, 7905 Detroit Ave SW, Seattle, WA 98106.

16 50. Fifth, I also located in this email account a message in which the user
 17 shared the PGP public key for kakashisan and otherwise referred to that vendor name and
 18 sayNOtoCUSTOMS. Specifically, the message, send on November 9, 2015, stated:

19 here is kakashisan's pgp again. I have a new vendor account
 20 on alphabay called "sayNOtoCUSTOMS" I'll give you that
 21 pgp too. please import both pgp certificates to your pgp.
 22 Kakshisan PGP, this is for SURE the same pgp as i used on
 23 abraxas [i.e., a different dark net drug market].

24 51. In addition, I located in the email account a message containing the PGP
 25 public key for sayNOtoCUSTOMS. The message stated: "new PGP for my vendor
 26 account called sayNOtoCUSTOMS." I also located in the email account a message
 27 addressed to the user of the account that began, "Hi saynotocustoms".

28 52. Sixth, I obtained an email search warrant for a different email account
 associated with WITTERS, cssrules@gmail.com, which contained additional evidence.
 For example, I recovered an email with an attached photograph of WITTERS holding his

1 driver's license and a piece of paper that said, "cryptsy - 11/24/2015" under which
2 "kakashisan" was written. I also located an email with an attached photograph of
3 numerous white strips of tablets laid on a black surface. The photograph matched the
4 photograph for the sayNOtoCUSTOMS Alplax listings on both AlphaBay and Dream
5 Market. I also located an email sent by cssrules@gmail.com attached to which were the
6 PGP private and public keys for kakashisan. The public PGP key matched the public
7 PGP key found on the seized AlphaBay server for the vendor kakashisan. I also located
8 numerous emails pertaining to orders for equipment and supplies that could be used in the
9 distribution of controlled substances via the U.S. mail. The orders included such items as
10 digital scales, heat/vacuum sealers, Mylar bags, plastic baggies, nasal spray bottles,
11 bottles with droppers, printer ink cartridges, and mailing/shipping labels. In addition,
12 numerous emails were located pertaining to USPS orders shipped to WITTERS for large
13 quantities of priority mail boxes, priority mail envelopes, address labels, tracking labels,
14 and stamps.

15 53. Seventh, WITTERS is closely associated with Bitcoin, a cryptocurrency
16 used to conduct drug sales on Dream Market and AlphaBay. For example, WITTERS's
17 Facebook account included a post responding to a post that showed a picture of cash.
18 WITTERS posted:

19 That looks like 25k. I win lol, nah, cash is for suckers, buy
20 bitcoin man. Cash aint gonna be worth the paper it's printed
21 on soon. I wish I could buy a house with bitcoin but one day
22 you will be able to. crypto is gonna get us out from under the
23 banksters thumbs and we will truly be free. The age of
information will bring about the age of empire.

24 54. Eighth, WITTERS on his Facebook page described losing a large amount
25 of bitcoins, coinciding with the time that sayNOtoCUSTOMS went dark on Dream
26 Market, explaining why he was no longer active on the dark web site. Specifically,
27 WITTERS posted on Facebook on November 17, 2017:

1 if you guys would have bought bitcoin in september when it
 2 crashed to 3kk cause china banned it (for the third time, they
 3 will be unbanning it again here soon). btc hit 8k 3 times in
 4 the last few days. I told you guys at \$400, \$650, \$800, etc, I
 5 have the FB posts right here lol, you guys cant say you didn't
 6 know. had a super bad week i got phished like an udiot and
 7 lost 600k bitcoin, almost offed myself, then I remembered I
 8 had 114 coins in an old blockchain wallet i forgot the pw to in
 9 may 2016, i pestered blockchain.com, a company that offers
 10 wallets, they had told me that if I lost my recovery phrase and
 11 had second pw I was SOL, but i was looking around about it
 12 online and fiund a post a guy nade of an email from
 13 blockchain with an attachment of all his wallet backups, I was
 14 like wtf, why shouldn't I be able to get my old wallet backup
 15 emaild to me. They did it after pestering them for 2 days lol,
 16 It was hard too I hade to figure out how top get my private
 17 keys from the wallet it was nuts for days I sat here in the
 18 hopes this would work and last night I did it I got 114 bitcoins
 19 woth about 850k lol, sucks I got hacked but i prolyl never
 20 would have gotten that wallet back if I wasn't desperate lol.

21 55. As noted above, sayNOtoCUSTOMS left Dream Market on or about
 22 November 26, 2017, posting on November 17, 2017, the day of the Facebook post above:
 23 "11/17; On vacation sorry guys don't know for how long, could be a long time. all orders
 24 went out that were accepted, one i accepted and then rejected. Sorry guys, it is what it is."

25 **G. WITTERS's Accounts**

26 **I. Witters's U.S. Bank Accounts**

27 56. According to records obtained from U.S. Bank, WITTERS opened a
 28 checking account (-1982) (i.e., WITTERS's Checking Account) in December 2015 and a
 savings account (-7643) (i.e., WITTERS's Savings Account) in March 2018.

1. WITTERS's Checking Account

57. WITTERS's Checking Account is largely funded by electronic deposits
 from the digital currency exchanges Coinbase and Gemini, as well as cash deposits.
 Specifically, from December 2015 to October 2018, a total of approximately \$871,438.67
 was deposited into WITTERS's Checking Account—of which, approximately

1 \$810,742.31 was received from Coinbase and Gemini, while \$14,780 was deposited in
 2 the form of cash (as detailed below). It should be noted that WITTERS's Checking
 3 Account was opened shortly after "kakashisan" and "sayNOtoCUSTOMS" began selling
 4 controlled substances on AlphaBay.

5 58. The deposits from Coinbase and Gemini into WITTERS's Checking
 6 Account include the following:

| Date ¹¹ | Depositing Institution | Amount |
|--------------------|------------------------|---------------------|
| 12/22/15 | Coinbase | \$2,000 |
| 1/26/16 | Coinbase | \$3,000 |
| 3/7/16 | Coinbase | \$2,000 |
| 3/29/16 | Coinbase | \$891.35 |
| 6/24/16 | Coinbase | \$2,290 |
| 11/30/17 | Gemini | \$9,000 |
| 12/19/17 | Gemini | \$100,000 |
| 12/21/17 | Gemini | \$100,000 |
| 12/22/17 | Gemini | \$100,000 |
| 12/27/17 | Gemini | \$100,000 |
| 12/28/17 | Gemini | \$100,000 |
| 1/9/18 | Gemini | \$100,000 |
| 1/16/18 | Gemini | \$100,000 |
| 1/17/18 | Gemini | \$91,560.96 |
| | Total = | \$810,742.31 |

11 The dates listed are those included on WITTERS' U.S. Bank statements. The actual deposit date may predate the date listed.

59. Records from Coinbase revealed an account in WITTERS's name that had transacted in approximately 301 bitcoins. Records revealed at least two bitcoin wallet addresses provided by sayNOtoCUSTOMS on AlphaBay for withdrawal purposes resolved to the Coinbase account in WITTERS's name. Furthermore, records from Coinbase contained a note that WITTERS's account was associated with a high volume of dark web market activity and specifically listed AlphaBay. Based on my training and experience, I submit that this information demonstrates that WITTERS's Coinbase account was directly linked to dark web narcotics proceeds.

60. WITTERS's Checking Account is also funded by cash deposits. These cash deposits, which cumulatively amount to more than approximately \$14,780, include the following:

| Date | Amount |
|----------------|-----------------|
| 12/18/15 | \$200 |
| 4/5/16 | \$2,000 |
| 4/12/16 | \$1,620 |
| 1/2/17 | \$420 |
| 1/3/17 | \$2,000 |
| 1/20/17 | \$6,000 |
| 3/20/17 | \$1,340 |
| 6/17/17 | \$200 |
| 6/23/17 | \$1,000 |
| Total = | \$14,780 |

61. As of October 9, 2018, WITTERS's Checking Account held a balance of approximately \$132,583.18.

2. WITTERS's Savings Account

62. WITTERS's Savings Account was solely funded by a \$500,000 electronic transfer from WITTERS's checking account on or about March 15, 2018.

63. As of October 24, 2018, WITTERS's Savings Account held a balance of approximately \$329,250.15. As described further below, the remaining approximately \$170,000 (of the \$500,000 transfer noted in the paragraph above) was transferred to another account held in WITTERS's name.

II. WITTERS's GBC Account

64. According to records obtained from GBC International Bank, WITTERS opened a savings account (-1014) (i.e., WITTERS's GBC Savings Account) in May 2017. WITTERS's GBC Savings Account was funded entirely by cash deposits. These cash deposits include the following:

| Date | Amount |
|----------------|----------------|
| 5/17/17 | \$900 |
| 7/21/17 | \$1,000 |
| 8/31/17 | \$680 |
| 9/21/17 | \$600 |
| Total = | \$3,180 |

65. As of December 3, 2018, WITTERS's GBC Savings Account held a balance of approximately \$3,860.69.

66. WITTERS also holds the SAFE DEPOSIT BOX at GBC International Bank. On or about November 7, 2017, an HSI SA interviewed employees at the bank in Shoreline, WA. Several employees stated that WITTERS was observed bringing in bundles of U.S. currency to put into the SAFE DEPOSIT BOX. WITTERS told employees he made the money from bitcoin.

67. On or about November 13, 2018, an HSI SA interviewed employees at the bank again. An employee confirmed that WITTERS is still the lessee of the SAFE

1 DEPOSIT BOX. An employee witnessed WITTERS access the SAFE DEPOSIT BOX
 2 with bundles of currency in a bag and then come out without the bag. An employee
 3 indicated that WITTERS openly spoke about how much money he made with bitcoin.
 4 An employee advised that the SAFE DEPOSIT BOX was last accessed in March 2018.

5 68. I know based on my training and experience working narcotics cases that
 6 drug dealers often use safe deposit boxes to hide valuables and the proceeds of their illicit
 7 activities. The placement of these items in these locations serves to protect these items
 8 from theft, as well as from potential seizure should law enforcement execute a search
 9 warrant at the drug trafficker's primary residence.

10 69. I also know that persons involved in the trafficking of illicit drugs often keep
 11 large amounts of cash either on hand, on their person, within their residence or within safe
 12 deposit boxes. I also know that drug dealers often convert cash proceeds into valuable items
 13 such as precious metals and gems such as gold, silver, jewelry, *etc.* I also know from
 14 training and experience that drug dealers often keep records of drug sales and transactions.
 15 These records are kept so that the drug dealers can keep track of the money owed to them
 16 for the amount of drugs being sold.

17 **III. WITTERS's Gemini Account**

18 70. According to its website, www.gemini.com, Gemini Trust Company is a
 19 digital asset exchange that allows users to buy, sell, and store digital assets such as
 20 bitcoins.

21 71. According to records obtained from Gemini, WITTERS opened an account
 22 (i.e., WITTERS's Gemini Account) in August 2017. WITTERS's Gemini Account is
 23 linked to WITTERS's Checking Account.

24 72. From approximately October 2017 through October 2018, more than
 25 approximately 600 BTC were deposited into WITTERS's Gemini Account. These
 26 deposits included an initial set of deposits made from October 3, 2017, through October
 27 8, 2017, cumulatively amounting to approximately 121.22269495 BTC (worth
 28 approximately \$530,808.52 U.S. dollars as of early October 2017). Records indicate that

1 hundreds of purchases and sales of cryptocurrencies (primarily bitcoins) were made via
2 the account, and that the account's U.S. dollar balance varied from as little as \$0.01 to
3 \$1,501,937.26. As detailed in a table above, between November 30, 2017, and January
4 17, 2018, a total of approximately \$800,560.96 was withdrawn from WITTERS's Gemini
5 Account and transferred to WITTERS's Checking Account.

6 73. As of October 24, 2018, WITTERS's Gemini Account held balances of
7 approximately \$155,928.01 U.S. dollars and 0.29215414 BTC.

8 74. During my review of WITTERS's Gemini Account, I located several
9 messages exchanged between WITTERS and Gemini. The messages pertained to the
10 source of WITTERS's bitcoins. For example, I observed the following message sent by
11 WITTERS on January 12, 2018:

12 "The coins i purchased at a minute fraction of what they are now and over
13 the yrs have been converted so many times and sent to exchanges and back
14 and cross chains there is absolutely no possible way to show it. If i had
15 deposited 200 bitcoins 2 years ago you wouldn't have even noticed right? I
16 can't image that I'm alone in suddenly having a large account balance."

17
18 "I have found proof that I was buying bitcoins on coinbase in 2015, Would
19 a download of my transactions showing deposits into coinbase in 2015
20 suffice to show I have been active in buying and trading bitcoins? I can
21 upload the excel file if you would like. This shows that I was making
22 deposits into coinbase in December 2015."

23 75. Based on my training and experience, I submit that this information
24 demonstrates that WITTERS's Gemini account and the bitcoins deposited into that
25 account (as well as derivative U.S. dollars and cryptocurrencies held in the account) were
26 the proceeds of, and/or derived from, dark web narcotics sales.

27 76. Based on my training and experience, and as further detailed above, I
28 believe that Gemini, if served with a warrant to seize cryptocurrencies held in a Gemini

1 user's wallet, is capable of assisting law enforcement with the execution of that warrant
 2 by, among other things, facilitating the transfer of said cryptocurrencies into a law
 3 enforcement-controlled wallet. I therefore request that the Court authorize law
 4 enforcement to execute the requested warrants pertaining to WITTERS's Gemini wallets
 5 by serving the warrant directly upon Gemini itself.

6 **IV. WITTERS's Robinhood Account**

7 77. Robinhood Markets, Inc. ("Robinhood") is a financial services company
 8 that allows users to invest in publicly traded companies, exchange-traded funds, and
 9 cryptocurrencies.

10 78. According to records obtained from Robinhood, from June 2018 through at
 11 least October 2018, a cumulative total of approximately \$170,000 in funds were
 12 transferred from WITTERS's Savings Account to a Robinhood account (i.e.,
 13 WITTERS's Robinhood Account). For example, the following funds were transferred
 14 from WITTERS's Savings Account to WITTERS's Robinhood Account on or about the
 15 dates listed below:

| Date | Amount |
|----------------|------------------|
| 6/13/18 | \$20,000 |
| 8/22/18 | \$50,000 |
| 9/5/18 | \$50,000 |
| 9/24/18 | \$50,000 |
| Total = | \$170,000 |

22
 23 79. As of October 31, 2018, WITTERS's Robinhood Account had a U.S. dollar
 24 balance of approximately \$167,293.25.

25 **V. WITTERS's Bittrex Account**

26 80. According to its website, www.bittrex.com, Bittrex is a blockchain
 27 platform that provides users with digital wallets and the ability to execute trades.
 28

81. According to records obtained from Bittrex, WITTERS opened an account (i.e., WITTERS's Bittrex Account) in July 2016. WITTERS's Bittrex Account is largely funded by deposits of bitcoins. Account records indicate that, from around August 2017 to October 2018, approximately 155 sell orders were executed in which bitcoins were exchanged for units of Tether (another form of cryptocurrency). As of November 8, 2018, WITTERS's Bittrex Account had a balance of 25,936 units of Tether (which are worth approximately \$25,798.74 U.S. dollars at prevailing market rates).

82. Based on my training and experience, and on information described herein, I submit that the bitcoins deposited into WITTERS's Bittrex Account—as well as any derivative assets (including bitcoins or other cryptocurrencies)—are the proceeds of, and/or derived from, dark web narcotics sales.

83. Based on my training and experience, and as further detailed above, I believe that Bittrex, if served with a warrant to seize cryptocurrencies held in a Bittrex user's wallet, is capable of assisting law enforcement with the execution of that warrant by, among other things, facilitating the transfer of said cryptocurrencies into a law enforcement-controlled wallet. I therefore request that the Court authorize law enforcement to execute the requested warrants pertaining to WITTERS's Bittrex wallets by serving the warrant directly upon Bittrex itself.

H. WITTERS's Criminal History and Income

84. WITTERS's criminal history includes a felony conviction for Possession of a Controlled Substance.

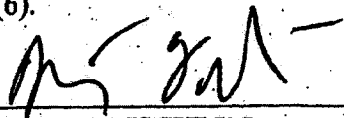
85. After reviewing the transactional histories of WITTERS's Checking, WITTERS's Savings Account, and WITTERS's GBC Savings Account, I was unable to identify any recurring deposits that would suggest that WITTERS was earning a salary, dividends, or other form of recurring legitimate income during the time period of December 2015-October 2018. The only exception appeared to be deposits from the U.S. Government pertaining to Supplemental Security Income ("SSI") benefits into

1 WITTERS's Checking Account, which from January 2018 to October 2018 cumulatively
2 amounted to approximately \$29,380.


3 86. I have obtained records from the Washington State Employment Security
4 Department, after requesting information related to WITTERS. According to records
5 provided by the Employment Security Department, WITTERS reported a total of
6 approximately \$5,486 in income during the time period of 2012 through June 2018.

7
8 **CONCLUSION**

9 87. Based upon the evidence gathered in this investigation and set out above, I
10 submit that there is probable cause to believe that the SUBJECT ASSETS constitute
11 property constituting, or derived from, proceeds obtained, directly or indirectly, as the
12 result of violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846 and therefore that the
13 SUBJECT ASSETS are subject to seizure and forfeiture pursuant to 18 U.S.C. § 981(b),
14 and 21 U.S.C. §§ 853(a), 853(f), and 881(a)(6).

15 
16 MICHAEL FISCHLIN
17 Inspector, USPIS
18

19
20 SUBSCRIBED AND SWORN before me on this 7th day of December, 2018.

21 
22 PAULA L. McCANDLIS
23 United States Magistrate Judge
24
25
26
27
28